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16 Attorneys for Petitioner

17 UNITED STATES DISTRICT COURT

18 DISTRICT OF NEVADA

19 KEVIN JAMES LISLE,

20 Petitioner,

21 v.

22 WILLIAM GITTERE, Warden, Ely State
23 Prison, AARON FORD, Nevada Attorney
General,

24 Respondents.

25 Case No. 2:03-cv-01006-MMD-DJA

26 **STIPULATION AND PROPOSED
27 ORDER**

28 (DEATH PENALTY CASE)

1 On March 4, 2020, this Court ordered that:

2 [T]he parties are to either file Dr. Piasecki's report and
3 supporting documents as described in paragraphs 14 and
4 15 of the July 5, 2019 stipulation and order (ECF No.
5 363), or file a joint statement or stipulation explaining the
6 delay and proposing a new schedule.

7 ECF No. 385 at 2.

8 Since this Court issued its order, the parties have not had an opportunity to
9 speak with Dr. Piasecki about the status of her report. Thus, the parties enter this
10 stipulation, and request ten additional days to comply with the Court's order.

11 **IT IS HEREBY STIPULATED AND AGREED that:**

12 1. On Wednesday, March 4, 2020, this Court ordered the parties to file a joint
13 stipulation or Dr. Piasecki's report. *See* ECF No. 385. That same day, the parties
14 attempted to schedule a time to discuss this Court's order and coordinate a
15 response.

16 2. Owing to schedules, this phone call did not occur until Friday morning on
17 March 6, 2020. The parties agreed to e-mail Dr. Piasecki to ask if she could offer an
18 estimate for how long until her report could be filed.

19 3. Shortly after the phone call, still on Friday morning, the parties e-mailed the
20 inquiry to Dr. Piasecki.

21 4. On Monday afternoon, March 9, 2020 the parties had still not heard back
22 from Dr. Piasecki, and they exchanged e-mails about coordinating an attempt to call
23 Dr. Piasecki. The parties then jointly called Dr. Piasecki and left a voicemail
requesting that she respond to the previously sent e-mail. The parties agreed they

would initiate a phone conference the following morning, today, at 9:30 am to again try to reach Dr. Piasecki.

5. Shortly before the call, Dr. Piasecki, sent an e-mail to the parties: "Thanks for the call regarding report date. I'm traveling and in court today and will respond ASAP." The parties sent a follow-up e-mail asking for an estimate on when the report would be completed.

6. As of the time of the filing of this stipulation, the parties have still not heard back from Dr. Piasecki.

7. The parties request an additional ten days to comply with this Court's March 3, 2020 order. Upon receiving word from Dr. Piasecki, the parties anticipate complying with the Court's March 3, 2020 order with all due haste; the ten days requested here is in an abundance of caution because the parties cannot be sure when they will hear back from Dr. Piasecki.

8. In all other respects, the parties will continue to comply with the July 5, 2019 stipulation.

DATED this 10th day of March, 2020

RENE L. VALLADARES
Federal Public Defender

AARON FORD
Nevada Attorney General

/s/ David Anthony
DAVID ANTHONY
Assistant Federal Public Defender

/s/ Michael Bongard
MICHAEL BONGARD
Deputy Attorney General

ORDER

Based on the stipulation and for good cause shown, it is hereby ordered that the Court adopts the parties' proposed stipulation dated March 10, 2020.

It is therefore ordered that, no later than March 20, 2020, the parties are to either file Dr. Piasecki's report and supporting documents as described in paragraphs 14 and 15 of the July 5, 2019 stipulation and order (ECF No. 363), or file a joint statement or stipulation explaining the delay and proposing a new schedule.

Dated this 16th day of March


MIRANDA M. DU
Chief United States District Judge